## قرار لجنة المناقشة

نوقشت هذه الرسالة المعنونة: " تجارب الوحدة العربية ودور جامعة الدول العربية فيها " وأجيزت بتاريخ ٥/٣/٣٠.

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التوقيع

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# THE COVENANT OF THE LEAGUE OF NATIONS THE HIGH CONTRACTING PARTIES

In order to promote international cooperation and to achieve international peace and security by the acceptance of obligations not to resort to war,

By the prescription of open, just and honorable relations between nations,

By the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another,

Agree to this Covenant of the League of Nations.

#### ARTICLE 1

The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing States, Dominion, or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval, and air forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

#### **ARTICLE 2**

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat,

#### **ARTICLE 3**

The Assembly shall consist of Representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote, and may not have more than three Representatives.

#### **ARTICLE 4**

The Council shall consist of Representatives of the Principal Allied and Associated Powers, together with Representatives of four other Members of the League. These four Members of the League

shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain, and Greece shall be members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as maybe decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council shall have one vote, and may have not more than one Representative.

#### **ARTICLE 5**

Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented by the meeting.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

#### **ARTICLE 6**

The permanent Secretariat shall be established at the Seat of the League. The secretariat shall comprise a Secretary General and such secretaries and staff as may be required.

The fist secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approved of the majority of the Assembly.

The secretaries and staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.

The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.

The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

#### **ARTICLE 7**

The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives

attending its meetings shall be inviolable.

#### **ARTICLE 8**

The Members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstance of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of was necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval, and air programs and the condition of such of their industries as are adaptable to war-like purpose.

#### **ARTICLE 9**

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval, and air questions generally.

#### **ARTICLE 10**

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat of danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

#### **ARTICLE 11**

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threaten to disturb international peace or the good understanding between nations upon which peace depends.

#### **ARTICLE 12**

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

#### **ARTICLE 13**

The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the Court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

#### **ARTICLE 14**

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of international Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

#### **ARTICLE 15**

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statement of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The council shall endeavor to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make or publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any Member of the League represented on the Council may public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

#### **ARTICLE 16**

Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13, or 15, it shall *ipso facto* be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibitions of all intercourse between their nationals of the covenant-breaking States, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval, or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant, breaking States, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are cooperating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

#### **ARTICLE 17**

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States, not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purpose of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

### **ARTICLE 18**

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

#### **ARTICLE 19**

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

#### **ARTICLE 20**

The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

#### **ARTICLE 21**

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understanding like the Monroe doctrine, for securing the maintenance of peace.

#### **ARTICLE 22**

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the Sough Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories relating to the observance of the mandates.

#### **ARTICLE 23**

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

- (a) will endeavor to secure and labor for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations;
- (b) undertake to secure just treatment of the native inhabitants of territories under their control;
- (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;
- (d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;
- (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;
- (f) will endeavor to take steps in matters of international concern for the prevention and control of disease.

#### **ARTICLE 24**

There shall be placed under the direction of the League all international bureaus already established by general treaties if the parties to such treaties consent. All such international bureaus and all commissions for the regulations of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaus or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

#### **ARTICLE 25**

The Members of the League agree to encourage and promote the establishment and cooperation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease, and the mitigation of suffering throughout the world.

#### **ARTICLE 26**

Amendments to this Covenant will take effect when ratified by the Members of the League whose representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent there from, but in that case it shall cease to be a Member of the League.

#### **ANNEX**

1. ORIGINAL MEMBERS OF THE LEAGUE OF NATIONS SIGNATORIES OF THE TREATY OF PEACE

UNITED STATES OF HAITI

AMERICA HEDJAZ

BELGIUM HONDURAS

BOLIVIA ITALY
BRAZIL JAPAN

BRITISH EMPIRE LIBERIA

CANADA NICARAGUA

AUSTALIA PANAMA

SOUTH AFRICA PERU

NEW ZEALAND POLAND

INDIA PORTUGAL

CHINA ROUMANIA

CUBA SERB-CROAT-ECUADOR

FRANCE SLOVENE STATE

GREECE SIAM

GUATEMALA CZECHO-SLOVAKIA

URUGUAY

STATES INVITED TO ACCEDE TO THE COVENANT

ARGENTINE REPUBLIC PERSIA

CHILI SALVADOR

COLOMBIA SPAIN

NETHERLANDS SWITERLAND

NORWAY VENERUELA

**PARAGUAY** 

2. FIRST SECRETARY GENERAL OF THE LEAGUE OF NATIONS

The Honorable Sir James Eric Drummond, K.C.M.G., C.B.

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# THE EXPERIMENT FOR THE ARAB UNITY AND THE ROLE OF THE ARAB LEAGUE IN IT

# By Kim Sun Ha

# Supervision Dr. Saad Abudayhe

## **ABSTRACT**

# \* The importance of the study: -

The relevance of the study stems from the importance of the role of the League of Arab States in the experiment for the Arab unity on the basis of Article II of the Charter of the League of Arab States to reinforce links between the participating States, coordinate their political policies in order to achieve cooperation among member states, and maintain their independence and sovereignty, and consider in general the country's affairs and interests. One purpose of the cooperation of the States involves cooperating closely in the following matters: economic, financial, healthy and social affairs, also consular and cultural rights. And Article IX of the Charter of Arab league states closer cooperation and stronger ties among member states firmlier than the above text of the Charter.

#### \* The aim of the study: -

The study aimed to find a common denominator causing the failure of unitary projects and the role of the League of Arab States ing it, such as: "the United Arab

Republic between Egypt and Syria," in 1958, "the Arab Union between Jordan and Iraq," 1958, "The Arab cooperation Council among Iraq, Jordan, Egypt and North Yemen (Yemen Arab Republic)" in 1989, and "the Arab Maghreb Union among Morocco, Tunisia, Algeria, Libya, Mauritania" in 1989. In addition, this study aimed to state the reasons for the success of the Cooperation Council for the Arab Gulf States, and whether the Arab League's role is in it.

### \* The inference of the study: -

The study showed that these experiences of Arab unity did not come from the whole Arab nations' desire, but came from back strategy as a common denominator of the failure of unitary experiments.

The United Arab Republic between Egypt and Syria in the 1958 was established in the background to represent the authority in Syria took advantage of the unit's adherence to the center-driven repetition of the Syrian military coups. The reason for the failure in 1961 is to rush to establish in the readiness of the unit without prior seriousness, and it seems that the motivation of the establishment of unity between the two countries does not come for the interests of the Arab nation, but for the benefit of all power to them.

In the case of the Arab Federation of Jordan and Iraq in 1958, its establishment was due to face the domination of Egypt and the expansion of "Nasiriyah" in the countries of the Fertile Crescent where the two Hashmite kingdoms such as Jordan and Iraq. The reason for the failure of this unit in the 1958 was the ownership of Iraqi coups, and there is the opinion of the cause of the failure, which indicates that there was Egypt's support for the Iraqi army-friendly Nasserite, and at that time Egypt does not want unity between Jordan and Iraq, which considers it a competitior.

In the case of the Arab Cooperation Council among Iraq, Jordan, Egypt and North Yemen in 1989, the reason for its establishment came from the background of the security and defense of each. Iraq needed to further militarization of the Iraqi army after the war with Iran, and Jordan to stand by Iraq in its war against Iran during the first Gulf War, and perhaps Jordan was unable to turn a project to establish a Greater Syria desired from Hashemites. Egypt has been on the sidelines of the Arab countries after signing a peace treaty with Israel, and lost its membership in the League of Arab States in the period from 1979-1989, therefore Egypt needed to restore diplomatic relations with Arab countries. And in the case of North Yemen needed to face the Socialist government in South Yemen (People's Democratic Republic of Yemen), and the direct reason for the failure of the Arab Cooperation Council in 1990 is due to the differences between Egypt and the other Member States on Iraq's invasion of Kuwait. It is clear that these differences did not relate to the interests of the other Arab countreis.

In the case of the Arab Maghreb Union among Morocco, Algeria, Tunisia, Libya and Mauritania in 1989, the reason was due to its participation in the road to Arab unity, such as: "the Cooperation Council for the Arab States of the Gulf" and "the Arab Cooperation Council" and the direction of economic blocs such as "European Union". The direct cause of the paralysis was due Resolution No. 748 adopted by the Security Council, imposing the embargo on Libya in the context of the crisis "lockerbie", which made Libya away form the Treaty on the Arab Maghreb Union. In fact, Arab Maghreb Union was completely paralyzed since 1995, at a time exacerbated by the economic crises and social output, and increased external indebtedness, and began to be affected by the negative effects of the general

international economic blocs like European Union in particular, on the overall economic and social conditions Maghreb.

On the other hand, the Arab world is witnessing the success of the Cooperation Council for Gulf Arab states since its inception in 1989, due to the success of political and economic similarities, and in particular Member States' wealth of oil and their financial architecture. It is clear that the Gulf States play a role in the actual work of the League of Arab States.

This study should be noted that the unitary experiments purposed the Charter of the League of Arab States stating closer cooperation among Arab countries, but the unitary experiments failed was far from an attempt to achieve overall unity of the Arab nation because it was not enough to provide the presidential for the League, and the Charter of the League of Arab States just boost member states to closerly cooperate one another because these countries have failed in stating the word "Arab unity" as an imperative and an ultimate goal in the charter. It shows the background of the League of Arab States which is that it might be impossible that the League has a presidential and actual role in achieving the unitary state of the Arab naton. This indicates that the League of Arab States just as a regional organization follows an international organization, working for Arab cooperation at the lowest level without the quest for the overall Arab unity.

## \* The recommendations of the study: -

The most important recommendations emerged from the study, including: the need to work on the progressive modernization of the role of the League of Arab States as a key leader to achieve of Arab unity, either a federal or confederal, such as the Confederation of Arab-Islamic era, without the intervention of external force before the colonization of the major Powers. It must be the work of the Unit on the

grounds that are realistic and not the means. The pace of reforming the League of Arab States Could be accelerating through the amendment of the charter, or the establishment of the Organization of Arab rather than stemming from the will of an external force, but from the will of the Arab nation.

It can be considered as a successful reference and realistic model to achieve Arab unity that the European Union has been applied to economic integration under the new functional theory (Neo-Functionalism), which means that the economic unity becomes a step towards the higher goal, which is the political unity, but the application of this idea in the Arab world needs to overcome the various problems between the Arab countries, including overcoming the difference between the oil-producing countries and non-oil countries.

And the work to revive the feelings of a union of Arab States and the Arab peoples needs the Arab states not to link their strategies for the Arab nation to international axes, and needs activating the role of the League of Arab States, as a framework for Arab unity, with respecting the role of a unitary entity based on polarizing the merits and potential of all Arab countries, especially its economic power, toward grounding a step to achieve the overall Arab unity as one unitary state.